

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

MSM

<p>To: ANDRE L. MARAS BLAKELY, SOKOLOFF, TAYLOR & AAFMAN LLP 12400 WILSHIRE BOULEVARD, SEVENTH FLOOR LOS ANGELES, CA 90025</p> <p>ENTERED</p> <p>OCT ~ 4 2005</p> <p>STATUS DR-L</p>		<p>R E C E I V E D PCT</p> <p>OCT 03 2005</p> <p>BLAKELY, SOKOLOFF, TAYLOR & ZAFARANISHTEN OPINION LOS ANGELES</p> <p>(PCT Rule 66) ERI</p>	
<p>Applicant's or agent's file reference 3801.P090PCT 2043.09DW01</p>		<p>Date of mailing (day/month/year) 28 SEP 2005</p>	
<p>International application No. PCT/US03/33294</p>		<p>International filing date (day/month/year) 20 October 2003 (20.10.2003)</p>	<p>Priority date (day/month/year) 21 October 2002 (21.10.2002)</p>
<p>International Patent Classification (IPC) or both national classification and IPC IPC(7): G06F 17/60 and US CL: 705/26</p>			
<p>Applicant EBAY INC</p>			
<p>1. This written opinion is the first (first, etc.) drawn by this International Preliminary Examining Authority.</p> <p>2. This opinion contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the opinion</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2 (a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p> <p>3. The applicant is hereby invited to reply to this opinion.</p> <p>When? See the time limit indicated above. The applicant may, before the expiration of this time limit, request this Authority to grant an extension. See rule 66.2(d).</p> <p>How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.</p> <p>Also For an additional opportunity to submit amendments, see Rule 66.4. For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 <i>tertius</i>. For an informal communication with the examiner, see Rule 66.5.</p> <p>If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.</p> <p>4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 21 February 2005 (21.02.2005).</p>			
<p>Name and mailing address of the IPEA/US Mail Stop PCT, Attn: IPEA/ US Commissioner for Patents P.O. Box 1456 Alexandria, Virginia 22313-1450 Fax: (703) 305-3230</p>		<p>Authorized officer Jeffrey A. Smith Telephone No. 571-272-3600</p>	

WRITTEN OPINION

International application No.

PCT/US03/33294

1. Basis of the opinion

1. With regard to the elements of the interpretational application:⁴

the international application as originally filed

the description:
pages 1-27, as originally filed
pages NONE, filed with the demand
pages NONE, filed with the letter of

the claims:
pages 28-34, as originally filed
pages NONE, as amended (together with any statement) under Article 19
pages NONE, filed with the demand
pages NONE, filed with the letter of

the drawings:
pages 1-17, as originally filed
pages NONE, filed with the demand
pages NONE, filed with the letter of

the sequence listing part of the description:
pages NONE, as originally filed
pages NONE, filed with the demand
pages NONE, filed with the letter of

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is: _____

- the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- the language of publication of the international application (under Rule 48.3(b)).
- the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the written opinion may depend on the basis of the sequence listing:

- contained in the international application in printed form.
- filed together with the international application in computer readable form.
- furnished subsequently to this Authority in written form.
- furnished subsequently to this Authority in computer readable form.
- The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- the description, pages NONE
- the claims, Nos. NONE
- the drawings, sheets 0 of NONE

5. This opinion has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed."

WRITTEN OPINION

International application No.
PCT/US03/33294

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. STATEMENT

Novelty (N)	Claims <u>NONE</u>	YES
	Claims <u>1-28</u>	NO
Inventive Step (IS)	Claims <u>NONE</u>	YES
	Claims <u>1-28</u>	NO
Industrial Applicability (IA)	Claims <u>1-28</u>	YES
	Claims <u>NONE</u>	NO

2. CITATIONS AND EXPLANATIONS

Claims 1-28 lack novelty under PCT Article 33(2) as being anticipated by SPIEGEL et al.

SPIEGEL et al. discloses a method, system, and machine-readable medium for generating listing recommendations to a user of a network-based commerce system, comprising, inter alia, automatically generating a recommendation query including an identified term; running the recommendation query against a plurality of listings of the network based commerce system to identify at least one recommended listing; and presenting the at least one recommended listing to a user of the network-based commerce system. See col. 7, lines 51-col. 8, line 7.

Claims 1-28 lack novelty under PCT Article 33(2) as being anticipated by BOWMAN et al.

BOWMAN et al. discloses a method, system, and machine-readable medium for generating listing recommendations to a user of a network-based commerce system, comprising, inter alia, automatically generating a recommendation query including an identified term; running the recommendation query against a plurality of listings of the network based commerce system to identify at least one recommended listing; and presenting the at least one recommended listing to a user of the network-based commerce system. See col. 7, lines 52-61.

NEW CITATIONS

WRITTEN OPINION

International application No.
PCT/US03/33294

Supplemental Box
(To be used when the space in any of the preceding boxes is not sufficient)

TIME LIMIT:

The time limit set for response to a Written Opinion may not be extended. 37 CFR 1.484(d). Any response received after the expiration of the time limit set in the Written Opinion will not be considered in preparing the International Preliminary Examination Report.